THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.26588 of 2003

Date 21-09-2006

Between:
V.Ranga Reddy.

..... PETITIONER

AND

Govt. of A.P. rep. by its Secretary, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.26588 of 2003

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the order dated 29-11-2003 in G.O.Rt.No.1778, on the file of the first respondent as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Article 300-A of the Constitution of India and pass such other suitable orders.

The writ petitioner is no more and the legal representatives of the petitioner are at present prosecuting the litigation.

Several factual details had been narrated, which need not be discussed at length. Specific stand was taken in para 3 of the affidavit filed in support of the writ petition that the counsel of the original writ petitioner appeared before the first respondent and also had brought to his notice with regard to the orders made by this Court in W.P.No.24382 of 2000 and the matter was adjourned and, thereafter, notice was issued fixing the hearing on 18-10-2003. The Honourable Minister for Panchayat Raj seems to have taken a decision in the matter stating that the writ petitioner had attended the meeting. It is specifically stated that on 14-10-2003 neither the writ petitioner nor his counsel had attended the meeting. Surprisingly, the impugned order was made by the first respondent on 29-11-2003 in G.O.Rt.No.1778 setting aside the order of the second respondent.

Now the learned Assistant Government Pleader for Panchayat Raj had specifically pointed out to the relevant portion of the counter affidavit wherein it was stated that, in fact, hearing was given, and it

may be appropriate to have a look at para 3 of the affidavit, wherein it was averred as under:

> "In reply to para No.3, it is fact that, the Gram Panchayat has filed a revision petition before the Government and the petitioner was asked to appear the hearing fixed by the Government, final hearing was fixed on 14-10-2003 and intimated to the petitioner to attend the hearing through his Counsel, the Advocate for petitioner (Sri V.Ranga Reddy) has attended the hearing on 14-10-2003, but he has not produced any documents. Hence the Government allowed the revision petition and set aside the orders of the District Panchayat Officer, Mahabubnagar."

Sri Raghuveer Reddy, the counsel representing the legal representatives of the original writ petitioner also had raised yet another contention that not only without affording opportunity the impugned order was made, but further a new ground was made out in the impugned order without putting the writ petitioner on notice. It is needless to say that at present, the writ petitioner is no more and the legal representatives are prosecuting the litigation. However, the learned Assistant Government Pleader for Panchayat Raj would contend that if the impugned is disturbed at this stage, the order made by the District Panchayat Officer, Mahabubnagar, dated 01-05-1997 would be operative and this would cause prejudice to the Gram Panchayat.

In the facts and circumstances of the case, this Court is of the considered opinion that the impugned order to be set aside and the matter be remitted to the first respondent to put on notice to the present writ petitioners i.e. legal representatives of the original writ petitioner and all other affected parties inclusive of the Gram Panchayat concerned, hear them, consider all the objections which may be raised and pass appropriate orders in accordance with law, as expeditiously as possible, and in the light of the stand taken by the learned Assistant Government Pleader for Panchayat Raj, till an

appropriate order is made by the first respondent in this regard, after affording opportunity to all the affected parties, as referred to supra, status-quo obtaining as on today to be maintained.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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21-09-2006

usd